

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 3:17-CR-538
	:	
Plaintiff,	:	JUDGE JACK ZOUHARY
	:	
-vs-	:	
	:	
MARTHA BUENDIA-CHAVARRIA,	:	<u>MOTION TO CONTINUE</u>
	:	<u>SENTENCING HEARING</u>
	:	
Defendant.	:	
	:	

Defendant Martha Buendia-Chavarria, through undersigned counsel, moves to continue the sentencing hearing, currently scheduled for October 12, 2018 at 11:00 a.m. Last week, on September 26, 2018, defense counsel received a CD of supplemental discovery from the government. The CD contains 676 separate recordings of Martha Buendia-Chavarria's phone calls from the Lucas County jail. These calls are dated October 2017 through May 2018. It is unclear why the government waited until the end of September – three months after her guilty plea and two weeks before sentencing – to disclose this material. These calls contain hundreds of hours of conversations, and defense counsel cannot listen to all of them before the sentencing hearing. Furthermore, these calls are all in Spanish as Ms. Buendia-Chavarria does not speak English.

Due to the number of calls, as well as the resources defense counsel would need to expend to have the calls translated into English, defense counsel asked Assistant United States Attorney Noah Hood about the substance of these calls. Specifically, defense counsel asked Mr. Hood if the government had any summaries of these calls and whether the government intended on relying on any of these phone calls at sentencing. On September 26, 2018, Mr. Hood responded the government would be relying on several of these calls at sentencing, and would provide a

transcribed translation of the calls they intended on relying on at sentencing. Despite repeated additional requests by defense counsel over the last six days, Mr. Hood has not provided these transcriptions and has not identified the specific calls the government intends to rely on. Defense counsel has a duty to review these calls in advance of sentencing, and may need to address these calls in the defense's forthcoming sentencing memorandum, which is due this Friday. Due to the government's untimely disclosure of this material, the volume of calls, the fact that they are in Spanish, the fact that the government has indicated they intend on relying on these calls at the sentencing hearing, and that the government has failed to provide transcriptions to defense counsel, a continuance of the sentencing hearing is necessary. Therefore, defense counsel requests this Court continue the sentencing hearing. Furthermore, the defense requests this Court order the government to disclose all transcriptions within the government's custody related to these calls, not just transcriptions of the calls for which the government intends to rely on at the sentencing hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2018, a copy of the foregoing Motion was filed electronically under seal. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. The undersigned will serve the Assistant United States Attorney by email with an electronic copy of this memorandum.

/s/ Jeffrey B. Lazarus

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